

Jul 06, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

MANTEJPAL SINGH KALKAT,
Defendant.

No. 2:17-CR-0022-WFN-1

ORDER

**UNITED STATES MARSHAL
ACTION REQUIRED**

Pending before the Court is Defendant's Motion for Reduction in Sentence Under 18 U.S.C. § 3582(c)(1)(A). ECF No. 315. Defendant has exhausted his claim with the Bureau of Prisons [BOP].

Mr. Kalkat must demonstrate that "(i) extraordinary and compelling reasons warrant such a reduction; or (ii) the defendant is at least 70 years of age, has served at least 30 years in prison, pursuant to a sentence imposed under section 3559(c) . . . and a determination has been made by the Director of the Bureau of Prisons that the defendant is not a danger to the safety of any other person or the community, as provided under section 3142(g)." 18 U.S.C. § 3582(c)(1)(A). As Defendant is not over 70 years old, he must demonstrate that extraordinary and compelling reasons warrant reduction.

Defendant has demonstrated extraordinary or compelling reasons warranting a sentence reduction. Defendant suffers from multiple health issues that greatly increase his risk of death if he contracts COVID-19. He has submitted documentation of cirrhosis of the liver as well as hypertension. Evidence demonstrates an increased chance of death if he were to contract COVID-19. He is housed in a facility that has not released public data concerning cases of COVID-19 within the facility and he reports that he does not have adequate space to practice social distancing.

1 Defendant poses little danger to the public. Defendant has served the bulk of his
2 original sentence. He is a Canadian citizen subject to deportation upon release from BOP
3 custody. Though his underlying conviction was serious, it was his first offense and he has
4 no history of violence or gun possession. Consequently, the Court concludes that Defendant
5 has presented extraordinary or compelling reasons for release. The Court has reviewed the
6 file and Motion and is fully informed. Accordingly,

7 **IT IS ORDERED** that:

8 1. Defendant's Motion for Reduction in Sentence Under 18 U.S.C. § 3582(c)(1)(A),
9 filed May 29, 2020, **ECF No. 315**, is **GRANTED**.

10 2. Defendant's sentence, as imposed in the Judgment at ECF No. 203, is
11 **MODIFIED** to **TIME SERVED** as reflected in the Amended Judgment filed
12 contemporaneously herewith.

13 3. Defendant shall be **RELEASED immediately** subject to the ICE detainer. If
14 released from ICE custody, Defendant shall contact the United States Probation Office
15 within 72 hours of his release and remain under a strict 14-day quarantine in the event he
16 has unknowingly been exposed to COVID-19. If he develops symptoms of COVID-19 he
17 shall follow medical advice.

18 4. Defendant shall be on supervised release for a period of **5 years**. Defendant shall
19 abide by all conditions of release imposed in the Amended Judgment.

20 5. Defendant's Motion for Leave to File Excess Pages, filed June 25, 2020, **ECF**
21 **No. 323**, is **GRANTED**.

22 The District Court Executive is directed to file this Order and provide copies to
23 counsel, the Spokane United States Probation Office **AND TO** the United States Marshals
24 Service—**Action Required**.

25 **DATED** this 6th day of July, 2020.

26 

27 WM. FREMMING NIELSEN
28 SENIOR UNITED STATES DISTRICT JUDGE

07-02-20